

ISSUES RELATED TO ROLE OF THE FISH AND WILDLIFE AGENCIES IN THE IMPLEMENTATION OF CERTAIN BDCP ACTIONS AND PROCESSES

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Several governance-related issues remain unresolved regarding the role of the State and federal fish and wildlife agencies in decision-making processes associated with the implementation of the water operations conservation measure (CM1) and the adaptive management program, particularly with respect to decisions that could result in changes to water operations. The most recent draft of Chapter 7, *Implementation Structure*, does not specifically address the nature or level of involvement of the fish and wildlife agencies in the implementation of CM1. Nor does the November, 2010 draft BDCP provide a detailed approach to decision-making under the adaptive management program. We propose that, upon resolution of these issues, a description of the agreed-upon processes appear in Chapter 3, *Conservation Strategy*, and potentially in Chapter 6, *Plan Implementation*.

The following identifies the specific issues at hand and suggests a schedule and process to get to resolution:

Implementation of CM1

Issue: What will be the involvement of the fish and wildlife agencies in the decision-making process related to the implementation of CM1? Specifically, how will “real time” decisions, which would occur within the existing parameters of CM1, be made, and what parties will have the ultimate authority to decide such matters (including dispute resolution processes)?

Related Issue: What will be the role of the fish and wildlife agencies in the development of the annual and seasonal water operations strategy plans?

Background Material: Prior versions of Chapter 7 have included an approach to “real time” operational decisions (*see*, May 31, 2011 version).

Schedule and Process: Prior to October 20, the State-Federal Interagency Principals should meet to develop a joint approach to a decision-making process related to both the implementation of CM1 (*i.e.*, real time operations) and the preparation of the annual and seasonal strategy plans. This joint approach would then be presented to the Governance Working Group for review and comment.

Adaptive Management Changes

Issue: What will be the role of the fish and wildlife agencies in the adaptive management decision-making process concerning proposed changes to conservation measures, including

CM1? Specifically, how will changes within established adaptive limits be made and what parties will have the ultimate authority to decide such matters (including dispute resolution processes)?

Background Material: The November 18, 2010 version of Chapter 3 sets out the framework for a decision-making process to guide adaptive management changes. The approach to changes related to water operations, however, does not identify the parties that would ultimately make any such decisions (see pages 3-608, 609).

Schedule and Process: The State-Federal Interagency Principals should meet to develop a joint approach to an adaptive management decision-making process related to both the implementation of CM1 (*i.e.*, real time operations) and any other relevant conservation measure. The joint approach would then be presented to the Adaptive Management Working Group for review and comment.